

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JORGE EDILBERTO GOMEZ,

Plaintiff,

v.

E. FICKET, *et al.*,

Defendants.

Case No. C07-5635 BHS/KLS

ORDER GRANTING PLAINTIFF'S  
MOTION FOR EXTENSION OF  
TIME TO RESPOND TO  
DEFENDANTS' MOTION TO  
DISMISS

Before the court is Plaintiff's motion to an extension of time to respond to Defendants' motion to dismiss. (Dkt. # 33). Defendants' motion to dismiss is presently noted for consideration on June 6, 2008. (Dkt. # 60). Plaintiff requests an extension of time because he claims that he did not receive Defendants motion in his mail. (Dkt. # 33). Defendants note that Plaintiff received a packet from their office on May 12, 2008, but are not opposed to an extension. (Dkt. # 60).

Having reviewed the parties' submissions and balance of the record, the court finds that Plaintiff should be granted an extension. Plaintiff also requests that the court consider additional facts relating to his claim. However, he has not filed a motion to amend or provided an amended complaint for the court's review. His response to the motion to dismiss is limited to those facts originally alleged in his complaint.

1 Accordingly, plaintiff's motion for an extension of time (Dkt. # 33) is **GRANTED**; Plaintiff  
2 may file his response to the motion to dismiss (Dkt. # 29) on or before **July 21, 2008**<sup>1</sup>. Defendants'  
3 reply shall be due on or before **July 25, 2008**; and the Court Clerk shall re-note the motion to  
4 dismiss for the court's consideration for **July 25, 2008**.

5 The Clerk is directed to send copies of this order to Plaintiff and counsel for Defendants.

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7 DATED this 1st day of July, 2008.

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11 Karen L. Strombom  
12 United States Magistrate Judge  
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21 <sup>1</sup>Plaintiff should note that his response is due on the Monday prior to the noting date of the  
22 motion in accordance with the rules for setting dispositive motions for consideration on the court's  
23 calendar. All briefs and affidavits in opposition to any motion shall be filed and served not later  
24 than 4:30 p.m. on the Monday immediately preceding the Friday appointed for consideration of the  
25 motion. If a party fails to file and serve timely opposition to a motion, the court may deem any  
26 opposition to be without merit. The party making the motion may file a reply to the opposing  
party's briefs and affidavits, which also shall be filed and served pursuant to the requirements of  
Fed. R. Civ. P. 7 and Local Rule CR 7.